

regarding the employer's misrepresentation in or failure to carry out its attestation); or from a discovery by ETA that it made an error in accepting the attestation because such attestation falls within one of the categories set forth in § 655.538(b).

(a) *Result of Wage and Hour Division action.* Upon the determination of a violation under subpart G of this part, the Administrator shall, pursuant to § 655.665(b), notify the DHS of the violation and of the Administrator's notice to ETA.

(b) *Result of ETA action.* If, after accepting an attestation for filing, ETA finds that the attestation is unacceptable because it falls within one of the categories set forth at § 655.538(b) and, as a result, ETA suspends or invalidates the attestation, ETA shall notify the DHS of such suspension or invalidation and shall return a copy of the attestation form to the employer, or the employer's agent or representative at a U.S. address. ETA shall notify the employer, in writing, of the reason(s) that the attestation is suspended or invalidated.

**§ 655.541 Withdrawal of accepted attestations for locations in Alaska.**

(a) An employer who has submitted an attestation which has been accepted for filing may withdraw such attestation at any time before the 12-month period of its validity terminates, unless the Administrator has found reasonable cause under subpart G to commence an investigation of the particular attestation. Such withdrawal may be advisable, for example, when the employer learns that the country in which the vessel is registered and of which nationals of such country hold a majority of the ownership interest in the vessel has been removed from the non-reciprocity list (which means, for purposes of this section, *Prohibitions on longshore work by U.S. nationals; listing by country* at 22 CFR 89.1). In that event, an attestation would no longer be required under subpart F of this part, since upon being removed from the non-reciprocity list the performance of longshore work by alien crewmembers would be permitted under the reciprocity exception at sec. 258(e) of the Act (8 U.S.C. 1288(e)). Requests for

withdrawals shall be in writing and shall be directed to the Certifying Officer.

(b) Withdrawal of an attestation shall not affect an employer's liability with respect to any failure to meet the conditions attested to which took place before the withdrawal, or for misrepresentations in an attestation. However, if an employer has not yet performed the longshore activities at the location(s) in question, the Administrator shall not find reasonable cause to investigate unless it is alleged, and there is reasonable cause to believe, that the employer has made misrepresentations in the attestation or documentation thereof, or that the employer has not in fact given the notice attested to.

**PUBLIC ACCESS**

**§ 655.550 Public access.**

(a) *Public examination at ETA.* ETA shall make available for public examination in Washington, DC, a list of employers which have filed attestations under this subpart, and for each such employer, a copy of the employer's attestation and accompanying documentation it has received.

(b) *Notice to public.* ETA periodically shall publish a list in the FEDERAL REGISTER identifying under this subpart employers which have submitted attestations; employers which have attestations on file; and employers which have submitted attestations which have been found unacceptable for filing.

(Approved by the Office of Management and Budget under Control No. 1205-0309)

**APPENDIX A TO SUBPART F OF PART 655—U.S. SEAPORTS**

The list of 224 seaports includes all major and most smaller ports serving ocean and Great Lakes commerce.

**NORTH ATLANTIC RANGE**

Bucksport, ME  
Eastport, ME  
Portland, ME  
Searsport, ME  
Portsmouth, NH  
Boston, MA  
Fall River, MA  
New Bedford, MA  
Providence, RI  
Bridgeport, CT

**Employment and Training Administration, Labor****Pt. 655, Subpt. F, App. A**

New Haven, CT  
New London, CT  
Albany, NY  
New York, NY/NJ  
Camden, NJ  
Gloucester City, NJ  
Paulsboro, NJ  
Chester, PA  
Marcus Hook, PA  
Philadelphia, PA  
Delaware City, DE  
Wilmington, DE  
Baltimore, MD  
Cambridge, MD  
Alexandria, VA  
Chesapeake, VA  
Hopewell, VA  
Newport News, VA  
Norfolk, VA  
Portsmouth, VA  
Richmond, VA

**SOUTH ATLANTIC RANGE**

Morehead City, NC  
Southport, NC  
Wilmington, NC  
Charleston, SC  
Georgetown, SC  
Port Royal, SC  
Brunswick, GA  
Savannah, GA  
St. Mary, GA  
Cocoa, FL  
Fernandina Beach, FL  
Fort Lauderdale, FL  
Fort Pierce, FL  
Jacksonville, FL  
Miami, FL  
Palm Beach, FL  
Port Canaveral, FL  
Port Everglades, FL  
Riviera, FL  
Aguadilla, PR  
Ceiba, PR  
Guanica, PR  
Guayanilla, PR  
Humacao, PR  
Jobos, PR  
Mayaguez, PR  
Ponce, PR  
San Juan, PR  
Vieques, PR  
Yabucoa, PR  
Alucroix, VI  
Charlotte Amalie, VI  
Christiansted, VI  
Frederiksted, VI  
Limetree Bay, VI

**NORTH PACIFIC RANGE**

Astoria, OR  
Bandon, OR  
Columbia City, OR  
Coos Bay, OR  
Mapleton, OR  
Newport, OR

Portland, OR  
Rainier, OR  
Reedsport, OR  
St. Helens, OR  
Toledo, OR  
Anacortes, WA  
Bellingham, WA  
Edmonds (Edwards Point), WA  
Everett, WA  
Ferndale, WA  
Friday Harbor, WA  
Grays Harbor, WA  
Kalama, WA  
Longview, WA  
Olympia, WA  
Point Wells, WA  
Portage, WA  
Port Angeles, WA  
Port Gamble, WA  
Port Townsend, WA  
Raymond, WA  
Seattle, WA  
Tacoma, WA  
Vancouver, WA  
Willapa Harbor, WA  
Winslow, WA

**GREAT LAKES RANGE**

Duluth, MN  
Silver Bay, MN  
Green Bay, WI  
Kenosha, WI  
Manitowoc, WI  
Milwaukee, WI  
Sheboygan, WI  
Superior, WI  
Alpena, MI  
Bay City, MI  
Detroit, MI  
De Tour Village, MI  
Essexville, MI  
Ferrysburg, MI  
Grand Haven, MI  
Marine City, MI  
Muskegon, MI  
Port Huron, MI  
Presque Isle, MI  
Rogers City, MI  
Saginaw, MI  
Sault Ste Marie, MI  
Chicago, IL  
Ashtabula, OH  
Cincinnati, OH  
Cleveland, OH  
Conneaut, OH  
Fairport, OH  
Huron, OH  
Lorain, OH  
Sandusky, OH  
Toledo, OH  
Erie, PA  
Buffalo, NY  
Odensburg, NY  
Oswego, NY  
Rochester, NY  
Burns Harbor, IN  
E. Chicago, IN

**§ 655.600**

Gary, IN

**GULF COAST RANGE**

Panama City, FL  
Pensacola, FL  
Port Manatee, FL  
Port St. Joe, FL  
Tampa, FL  
Mobile, AL  
Gulfport, MS  
Pascagoula, MS  
Baton Rouge, LA  
Gretna, LA  
Lake Charles, LA  
Louisiana Offshore Oil Port, LA  
New Orleans, LA  
Beaumont, TX  
Brownsville, TX  
Corpus Christi, TX  
Freeport, TX  
Galveston, TX  
Harbor Island, TX  
Houston, TX  
Orange, TX  
Port Arthur, TX  
Port Isabel, TX  
Port Lavaca, TX  
Port Neches, TX  
Sabine, TX  
Texas City, TX

**SOUTH PACIFIC RANGE**

Alameda, CA  
Antioch, CA  
Benicia, CA  
Carlsbad, CA  
Carpinteria, CA  
Crockett, CA  
El Segundo, CA  
Eureka, CA  
Estero Bay, CA  
Gaviota, CA  
Huntington Beach, CA  
Long Beach, CA  
Los Angeles, CA  
Mandalay Beach, CA  
Martinez, CA  
Moss Landing, CA  
Oakland, CA  
Pittsburg, CA  
Port Costa, CA  
Port Hueneme, CA  
Port San Luis, CA  
Redwood City, CA  
Richmond, CA  
Sacramento, CA  
San Diego, CA  
San Francisco, CA  
Selby, CA  
Stockton, CA  
Vallejo, CA  
Ventura, CA  
Barbers Point, HI  
Hilo, HI  
Honolulu, HI  
Kahului, HI

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Kaunakakai, HI  
Kawaihae, HI  
Nawiliwili, HI  
Port Allen, HI

**Subpart G—Enforcement of the Limitations Imposed on Employers Using Alien Crewmembers for Longshore Activities in U.S. Ports**

SOURCE: 60 FR 3969, 3977, Jan. 19, 1995, unless otherwise noted.

**§ 655.600 Enforcement authority of Administrator, Wage and Hour Division.**

(a) The Administrator shall perform all the Secretary's investigative and enforcement functions under section 258 of the INA (8 U.S.C. 1288) and subparts F and G of this part.

(b) The Administrator, pursuant to a complaint, shall conduct such investigations as may be appropriate and, in connection therewith, enter and inspect such places and such records (and make transcriptions or copies thereof), question such persons and gather such information as deemed necessary by the Administrator to determine compliance regarding the matters which are the subject of the investigation.

(c) An employer being investigated shall make available to the Administrator such records, information, persons, and places as the Administrator deems appropriate to copy, transcribe, question, or inspect. No employer subject to the provisions of section 258 of the INA (8 U.S.C. 1288) and subparts F and G of this part shall interfere with any official of the Department of Labor performing an investigation, inspection or law enforcement function pursuant to 8 U.S.C. 1288 or subpart F or G of this part. Any such interference shall be a violation of the attestation and subparts F and G of this part, and the Administrator may take such further actions as the Administrator considers appropriate. (NOTE: Federal criminal statutes prohibit certain interference with a Federal officer in the performance of official duties. 18 U.S.C. 111 and 18 U.S.C. 1114.)

(d)(1) An employer subject to subparts F and G of this part shall at all times cooperate in administrative and